

MEMORIAL

JUDGE NANCY C. DREHER

(September 30, 1942 - November 23, 2012)

By

**Judge Robert J. Kressel
United States Bankruptcy Court
District of Minnesota**

(2013)

MEMORIAL FOR NANCY C. DREHER

Judge Robert J. Kressel ¹

Nancy C. Dreher died on November 23, 2012, at her home in Edina, Minnesota, where she had spent the last few days of her life with hospice care. My last contact from Nancy was three days earlier when she sent me an email thanking me for covering some hearings for her, basically apologizing to me for being so sick. I had no idea her death was so imminent and I don't think she did either. Just a few days earlier, she was making plans with friends for a trip to Mexico in February. I keep asking myself how her death could be expected, yet so utterly unexpected.

Judge Dreher was born Nancy Carol Simonsen on September 30, 1942, in Racine, Wisconsin. She grew up in Racine, a working-class suburb of Milwaukee, as the child of Marshall Simonsen, a small-town photographer and Pearl Simonsen, a homemaker. After graduating from high school in Racine, she attended the University of Wisconsin, majoring in political science and graduating with high honors in 1964. She went on to the University of Wisconsin Law School, graduating first in her class in 1967. While there, she was the Articles Editor of the *Wisconsin Law Review* and was admitted to the Order of the Coif.

After clerking for Chief Justice Roger Traynor of the California Supreme Court, she became an associate at Leonard, Street and Deinard in Minneapolis. Within four and a half years, she was made a partner. She was the first female litigator in the Minneapolis office of Leonard, Street and Deinard. Over a 15-year career at Leonard, Street, she participated in the litigation and trial of numerous major civil actions in the corporate, commercial, and patent areas.

¹ In writing this memorial, I relied heavily on the resolution written by our colleague, Chief Judge Gregory F. Kishel, on Judge Dreher's retirement and recall. An earlier version appeared in the Winter 2013 issue of the NCBJ Conference News. The photograph of Judge Dreher on page 4 is from the Joyce Bihary Papers, National Bankruptcy Archives.

On January 25, 1988, she took a turn into a very different arena, when the Eighth Circuit Court of Appeals appointed her a United States Bankruptcy Judge for the District of Minnesota. She was only the second woman to take this role in Minnesota, replacing Judge Margaret A. Mahoney.

Within the court, Judge Dreher worked hard to make and maintain a common friendship as well as an institutional tie. Early on, she invited her judicial colleagues to a weekend at the Dreher's second home in northwestern Wisconsin. Since then, the annual retreat at the Dreher's has been a feature of her court, with rotating attendance by judges' spouses, their law clerks, or members of the court management staff. The tradition for the weekend has always been to eat well; to sample a few wines; to laugh a lot; and to engage in season-appropriate recreation — Nordic and alpine skiing, snowshoeing, snowmobiling, canoeing, golfing, or hiking. Other adventures and misadventures during these times have become the stuff of the court's lore.

Judge Dreher became a strong proponent of a voluntary mediation effort in Minnesota, with cases swapped among the Minnesota judges for alternative dispute resolution. In the mid-1990s she took the initiative on behalf of the court toward the establishment of a pro bono program in the Bankruptcy Section of the Minnesota State Bar Association. Working with committed members of the bar, she has helped to develop four subsidiary vehicles for volunteer attorneys to provide various kinds of pro bono service to low-income individuals in debtor-creditor and bankruptcy matters. These programs have been nationally recognized.

During Judge Dreher's tenure as Chief Judge from September 25, 2007 to January 31, 2011, she worked with her colleagues and the bar to establish a Bankruptcy Practice Committee to replace the former ad hoc local rules committees. The availability of an outside constituent group for the active, ongoing review of specific procedural and administrative issues has better enabled the court to meet the changing needs of all its constituencies.

In 1996, Judge Dreher was appointed one of the inaugural members of the Eighth Circuit Bankruptcy Appellate Panel and served until 2005.



Judge Dreher has written, edited, spoken, and taught widely on bankruptcy law. She was the Editor-in-Chief of the *American Bankruptcy Law Journal*, 1994-1998; she has coauthored the *Bankruptcy Law Manual* (Thomson Reuters) since 1995; and she taught as an adjunct professor at two Twin Cities-area law schools. She has been an organizer, planner and speaker for CLE presentations and seminars on bankruptcy law, far too numerous to list.

Among her many commitments, she served on the Board of the National Conference of Bankruptcy Judges, the Judicial Resources Committee of the Judicial Conference, and on the Federal Judicial Center's Bankruptcy Judges Education Committee. She served on the Board of Governors of the American Bar Association and she was an active member of the American College of Bankruptcy.

Judge Dreher nominally retired on February 1, 2011, but was recalled by the Eighth Circuit Judicial Council and continued to work full time.

Before being hit with pulmonary infections resulting in a double lung transplant in 2004, Judge Dreher ran four marathons, skied both competitively and recreationally, and went scuba diving. She traveled extensively, including many international trips.

Judge Dreher is survived by her husband Roger; her son David and his wife Amy and their children Anna and Eben of Portland, Oregon; her daughter and her husband, Laura and Brian Timmel and their children Neve, Brennan and Reid of Western Springs, Illinois. She was one of five girls. Her sisters Joan Koski of Bryan, Texas, and Kim Weber of Montello, Wisconsin, survive her. Her parents and her sisters Diane Vaccarello of Kenosha, Wisconsin, and Roxane Crawford of Milwaukee, Wisconsin, died before she did. ■

Appendix

At the annual memorial services of the Ramsey County Bar Association on April 19, 2013, the following was presented:

The Honorable Nancy C. Dreher

September 30, 1942 - November 23, 2012

The Honorable Nancy Carol Dreher, United States Bankruptcy Judge for the District of Minnesota, passed away at her home in Edina on November 23, 2012. She left a large legacy in the practice of law, judicature, scholarship, and education.

A native of Racine, Wisconsin, the daughter of a photographer and a housewife, Nancy Carol Simonsen showed herself to be a leader early and again and again. She graduated first in her high school class. She was a highly-ranked political science major at the University of Wisconsin-Madison. As one of only three women in the class of 1967 at the Law School of the University of Wisconsin, she was a magna cum laude graduate and the first in her class. After a one-year clerkship with Chief Justice Roger Traynor of the California Supreme Court, she started an 18-year practice at Leonard, Street and Deinard in Minneapolis. She early became a partner at Leonard, Street and she worked hard as an accomplished and formidable commercial litigator.

On January 25, 1988, Nancy Dreher was appointed as a United States Bankruptcy Judge for the District of Minnesota. She was the second woman to hold that position in our district. Though not previously familiar with the substantive matter of her new undertaking, she rapidly mastered its complicated and counterintuitive details.

Over a tenure of nearly 25 years on the bankruptcy bench, Judge Dreher was an able trial judge. She made a deserved reputation for being tough but always fair. She served as chief judge of her court from late 2007 until early 2011.

She was an appellate jurist as well, serving as a member of the Bankruptcy Appellate Panel for the Eighth Circuit from its founding in 1996 until 2005.

Judge Dreher participated in a wide array of committees and projects for the advancement of the legal profession

and the improvement of bankruptcy practice. On appointment from the Chief Justice, she served a term as the bankruptcy judge representative on the Judicial Resources Committee of the Judicial Conference of the United States. She was a long-term member of the Bankruptcy Judges' Education Committee for the Federal Judicial Center. She was active on several major committees of the Minnesota State Bar Association, including the Glass Ceiling Task Force. She was deeply involved in the Bankruptcy Section of the Minnesota State Bar Association, playing a key role in the founding of its Pro Bono Committee in 1995 and the later development of its nationally-recognized programs for volunteer attorney service in bankruptcy. She was also active in the American Bar Association and served in its House of Delegates.

Judge Dreher taught at William Mitchell College of Law and the University of Minnesota Law School as an adjunct professor. She served a four-year term as Editor in Chief of the *American Bankruptcy Law Journal*. She and colleague Judge Joan Feeney of the District of Massachusetts completely rewrote the *Bankruptcy Practice Manual* (Thomson West). She was a Fellow of the American College of Bankruptcy and served on its Boards of Regents and Directors.

In the early 2000s, Judge Dreher contracted a destructive pulmonary infection of unknown origin. The ultimate result was her receipt of a double lung transplant in mid-2004. It was proof of her remarkable will that she returned to active judicial duty later that year, eager to get back to work. She had nearly eight years of vigorous life and service after that, filled with accomplishments as noteworthy as her earlier ones and marked by her constant drive and zest.

Judge Dreher is survived by her husband Roger, whom she married after her first year in law school. The Drehers shared over four decades together, in the building of careers and a family, travel, and the maintenance of a beloved second home in northwestern Wisconsin. Their two children, David and Laura, gave them five grandchildren whom Judge Dreher treasured.

Judge Dreher left literally hundreds of us who worked with her in the legal system and in our profession. It was always an intense experience, from which we always learned much. She was a true pioneer in the modern entry of women into the legal profession. We honor her great achievements, and we miss her.

Respectfully Submitted,
Hon. Gregory F. Kishel



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